

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 889**

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**Introduced by Assembly Member Jones**

February 26, 2009

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An act to amend Sections 5832, 5833, 5834, 5841, 5841.5, and 5842 of, to add Section 5836 to, and to repeal Section 5842.5 of, the Public Resources Code, relating to open-space preservation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 889, as amended, Jones. Open-space preservation: Bushy Lake and Urban American River Parkway.

(1) The Bushy Lake Preservation Act declares that the County of Sacramento and the City of Sacramento have developed the American River Parkway, a 23-mile open-space greenbelt in the lower American River flood plain.

This bill would declare instead that the County of Sacramento and the City of Sacramento have adopted by resolutions, and the City of Rancho Cordova has endorsed by resolution, the American River Parkway Plan, a 29-mile open-space greenbelt in the American River flood plain.

(2) The Bushy Lake Preservation Act requires the California Exposition and State Fair Board of Directors to preserve, for public day use and enjoyment, the California Exposition flood plain in a manner consistent with the definition of a state park. The act requires the California Exposition and State Fair Board of Directors to preserve the Bushy Lake area consistent with the features of a natural preserve.

This bill *also* would ~~also~~ require the California Exposition and State Fair Board of Directors to preserve the California Exposition flood plain in accordance with the American River Parkway Plan as an element of the ~~County of Sacramento's~~ *Sacramento County* General Plan. The bill *additionally* would ~~additionally~~ require the California Exposition and State Fair Board of Directors to manage, or provide, pursuant to an agreement with the ~~appropriate managing entity of the American River Parkway Manager,~~ for the management of, the Bushy Lake area in accordance with land use designations and policies of the American River Parkway Plan.

~~This bill would also make legislative findings and declarations regarding parking on the American River Parkway.~~

*(3) The Bushy Lake Preservation Act authorizes the California Exposition and State Fair Board of Directors to permit parking only during the State Fair and only on specified land.*

*This bill would further specify that the land is on approximately 11 unsurfaced acres, and would authorize parking on that land for specified additional purposes so long as the total number of parking days does not exceed 34 days per year. The bill would require one acre of the specified land to be open to parkway users for public access if certain conditions are met.*

~~(3)~~

*(4) The Urban American River Parkway Preservation Act defines the American River Parkway Plan as the revised, updated management plans for the lower American River adopted by resolutions of the City of Sacramento and the County of Sacramento. The act declares that the American River Parkway and its environs contribute to the quality of life within the City of Sacramento.*

This bill would revise the definition of the American River Parkway Plan to include revised and updated plans adopted by the City of Sacramento and the County of Sacramento, including an endorsement by the City of Rancho Cordova adopted by resolution. This bill would declare that the American River Parkway and its environs also contribute to the quality of life within the City of Rancho Cordova.

~~(4)~~

*(5) The Urban American River Parkway Preservation Act permits in-line skating on the American River Parkway on a trial basis until January 1, 2001, and if the board of supervisors and the city council determine that the trial was successful, in-line skating may be added to*

the list of permitted recreational uses for the parkway on a permanent basis upon approval of the board of supervisors and city council.

This bill would delete this provision.

(5)

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5832 of the Public Resources Code is  
2 amended to read:

3 5832. The Legislature finds and declares that:

4 (a) The lower American River is in the California Wild and  
5 Scenic Rivers System as designated in subdivision (e) of Section  
6 5093.54, and has thus been determined by the Legislature as  
7 possessing extraordinary scenic, recreational, fishery, and wildlife  
8 values.

9 (b) The County of Sacramento on September 10, 2008, by  
10 Resolution No. 2008-0946, and the City of Sacramento on  
11 November 6, 2008, by Resolution No. 2008-731, have adopted,  
12 and the City of Rancho Cordova on September 15, 2008, by  
13 Resolution No. 110-2008, has endorsed, the 2008 American River  
14 Parkway Plan with promulgated land use regulations to prevent  
15 urban and other incompatible encroachment into the parkway, a  
16 29-mile open-space greenbelt in the lower American River flood  
17 plain.

18 (c) The California Exposition flood plain contains an unprotected  
19 block of significant riparian habitat remaining in the lower  
20 American River flood plain, and the United States Fish and  
21 Wildlife Service has determined that this riparian habitat is of vital  
22 importance and an integral part of the American River.

23 SEC. 2. Section 5833 of the Public Resources Code is amended  
24 to read:

25 5833. (a) The California Exposition and State Fair Board of  
26 Directors shall preserve, for public day use and enjoyment, the  
27 California Exposition flood plain in a manner consistent with the  
28 definition of a state park in accordance with ~~the provisions of~~  
29 Section 5019.53 and consistent with the American River Parkway

1 Plan, an element of the ~~County of Sacramento. Except that~~  
2 *Sacramento County General Plan. Notwithstanding the foregoing,*  
3 the parking of public and private vehicles may be permitted ~~only~~  
4 during the State Fair and only on the flood plain land abutting the  
5 riverside toe of the levee as it exists on January 1, 1977, *on*  
6 *approximately 11 unsurfaced acres* beginning at least 400 feet east  
7 of the Bushy Lake area and extending not more than 1,500 feet  
8 along the toe of such levee eastward of the Bushy Lake area and  
9 extending not more than a distance of 300 feet riverward from  
10 such levee.

11 (b) *The California Exposition and State Fair also may utilize*  
12 *the area referenced in subdivision (a) for California Exposition*  
13 *exhibitor parking related to agricultural and equestrian events*  
14 *taking place on the California Exposition land in a livestock*  
15 *pavilion, an equestrian arena, or both, if the livestock pavilion*  
16 *and equestrian arena are sited as they were sited on April 1, 2009.*  
17 *The total number of days that parking may be permitted under this*  
18 *subdivision and subdivision (a) shall not exceed 34 days per year.*

19 (c) *In addition to the parking permitted by subdivisions (a) and*  
20 *(b), one acre of the existing unsurfaced 11-acre parking area shall*  
21 *be open to parkway users for public access to include equestrian*  
22 *staging, connection to trails, and a new walk-in boat access point,*  
23 *only if the California Exposition's exclusive use for parking on*  
24 *the entire 11 unsurfaced acres during the State Fair as authorized*  
25 *in subdivision (a) and for exhibitor parking related to agricultural*  
26 *and equestrian events taking place at the California Exposition*  
27 *livestock pavilion and equestrian arena, as authorized by*  
28 *subdivision (b), is not impeded.*

29 (d) *The coordination and management of public parkway user*  
30 *access and parking and the California Exposition's periodic*  
31 *exclusive use of the unsurfaced 11-acre area for a period that shall*  
32 *not exceed 34 days per year, as specified in subdivisions (b) and*  
33 *(c), shall be addressed in a management agreement between the*  
34 *American River Parkway Manager and the California Exposition*  
35 *and State Fair. The management agreement shall be consistent*  
36 *with this section.*

37 SEC. 3. Section 5834 of the Public Resources Code is amended  
38 to read:

39 5834. The California Exposition and State Fair Board of  
40 Directors shall preserve and manage, or provide, pursuant to an

1 agreement with the appropriate managing entity of the American  
2 River Parkway *Manager*, for the management of, the Bushy Lake  
3 area in accordance with Section 5019.71 and the land use  
4 designations and policies of the American River Parkway Plan;  
5 except that it may allow group picnics and vehicles found essential  
6 for the picnics in an area designated by it on the north side of Bushy  
7 Lake, commonly known as “picnic island.”.

8 ~~SEC. 4.~~ Section 5836 is added to the Public Resources Code,  
9 to read:

10 5836. The Legislature finds and declares all of the following:

11 (a) ~~The Bushy Lake Preservation Act allows the California~~  
12 ~~Exposition to permit parking of private and public vehicles on an~~  
13 ~~area pursuant to Section 5833 of the Public Resources Code.~~

14 (b) ~~Pursuant to the American River Parkway Plan, the area has~~  
15 ~~been designated limited recreation, and has been shifted to the east~~  
16 ~~to provide a buffer between parking and the proposed treatment~~  
17 ~~of wetland to the west.~~

18 (c) ~~The plan allows the California Exposition exhibitor parking~~  
19 ~~related to agricultural and equestrian events taking place outside~~  
20 ~~the parkway as this group benefits from the close proximity to the~~  
21 ~~California Exposition livestock pavilion and equestrian area.~~

22 (d) ~~Pursuant to the plan, parkway user access and parking,~~  
23 ~~including equestrian staging, may occur within one acre of the 11~~  
24 ~~acres if the California Exposition’s exclusive use for parking on~~  
25 ~~the entire 11 acres during specified equestrian and agricultural~~  
26 ~~events is not impeded.~~

27 (e) ~~Pursuant to the plan, the coordination and management of~~  
28 ~~parkway user access and parking and the California Exposition’s~~  
29 ~~periodic exclusive use of the 11-acre area will be addressed in a~~  
30 ~~management agreement between the parkway manager and the~~  
31 ~~California Exposition.~~

32 (f) ~~Pursuant to the plan, equestrian uses are required to be~~  
33 ~~consistent with the plan.~~

34 ~~SEC. 5.~~

35 ~~SEC. 4.~~ Section 5841 of the Public Resources Code is amended  
36 to read:

37 5841. (a) “American River Parkway Plan” means the revised,  
38 updated management plans for the lower American River adopted  
39 by the County of Sacramento on September 10, 2008, by  
40 Resolution No. 2008-0946, and by the City of Sacramento on

1 November 6, 2008, by Resolution No. 2008-731, and endorsed by  
2 the City of Rancho Cordova on September 15, 2008, by Resolution  
3 No. 110-2008.

4 (b) “Lower American River” means that portion of the American  
5 River between Nimbus Dam and the confluence of the American  
6 River with the Sacramento River and the adjacent lands as  
7 described in the American River Parkway Plan.

8 (c) “American River Parkway” means the area described in the  
9 American River Parkway Plan.

10 ~~SEC. 6.~~

11 *SEC. 5.* Section 5841.5 of the Public Resources Code is  
12 amended to read:

13 5841.5. (a) The American River Parkway and its environs  
14 contribute to the quality of life within the City of Sacramento, the  
15 City of Rancho Cordova, and the County of Sacramento, enhance  
16 the image of the cities and the county as desirable places to live,  
17 provide for the public safety and welfare of the community, and  
18 thereby contribute to the economic well-being of the community.

19 (b) The lower American River serves as a floodway channel,  
20 protecting the community from runoff, rainfall, and snowmelt.

21 (c) The lower American River sustains a myriad of fish  
22 populations, including steelhead, king salmon, striped bass, shad,  
23 and other fish and wildlife populations, which in turn annually  
24 support millions of recreation user-days and commercial, scientific,  
25 and educational uses and benefits.

26 (d) The recreation capacity of the American River Parkway is  
27 immense, including such diverse activities as hiking, bicycling,  
28 picnicking, birding, horseback riding, canoeing, kayaking, rafting,  
29 sailing, and power cruising.

30 (e) It is essential that the function of the lower American River  
31 and its environs, as a regional open-space resource within the  
32 center of the City of Sacramento, the City of Rancho Cordova,  
33 and County of Sacramento, be supported and maintained.

34 (f) Actions undertaken by a state agency can drastically affect  
35 the American River Parkway and negate planning steps taken by  
36 appropriate local agencies.

37 (g) Adoption of the American River Parkway Plan by the State  
38 of California provides necessary recognition so that local planning  
39 efforts are eligible to receive planning grants through the Land  
40 and Water Conservation Fund, technical staff assistance through

1 the National Park Service, and financial assistance through the  
2 Soil Conservation Service's Cooperative River Basin Planning  
3 Program.

4 ~~SEC. 7.~~

5 SEC. 6. Section 5842 of the Public Resources Code is amended  
6 to read:

7 5842. (a) The Legislature hereby adopts the American River  
8 Parkway Plan so as to provide coordination with local agencies in  
9 the protection and management of the diverse and valuable natural  
10 land, water, native wildlife, and vegetation of the American River  
11 Parkway.

12 (b) Actions of state and local agencies with regard to land use  
13 decisions shall be consistent with the American River Parkway  
14 Plan, subject to the following provisions:

15 (1) This chapter does not impair the authority and  
16 responsibilities of state or local public agencies in maintaining and  
17 operating the flood channel, levees, and pump stations, except that  
18 these operations, as nearly as practicable, shall be consistent with  
19 the American River Parkway Plan.

20 (2) This chapter does not affect the existing authority of the  
21 City of Sacramento to conduct or settle litigation involving the  
22 validity or application of the American River Parkway Plan.

23 (3) This chapter does not prohibit the reasonable expansion of  
24 the water treatment facility operated by the City of Sacramento.

25 (4) This chapter does not impair the authority and  
26 responsibilities of state agencies in managing the California  
27 Exposition flood plain or Bushy Lake area pursuant to Chapter 9  
28 (commencing with Section 5830).

29 (5) This chapter does not affect the exercise of existing water  
30 rights.

31 ~~(c) Notwithstanding subdivision (a), the Legislature finds and~~  
32 ~~declares that Chapter 10, titled Area Plans, of the American River~~  
33 ~~Parkway Plan is recognized to be a locally adopted component of~~  
34 ~~the plan and will be maintained by, and may be amended by, the~~  
35 ~~Sacramento County Board of Supervisors.~~

36 *(c) Notwithstanding subdivision (a), the Legislature finds and*  
37 *declares that Chapter 10 of the American River Parkway Plan,*  
38 *titled Area Plans, which consists of maps, policies, and narrative,*  
39 *may be amended through a local amendment process. However,*  
40 *Area Plans may be amended only to the extent that they are not*

1 *inconsistent with the state-adopted Area Plan policies contained*  
2 *in Chapter 2 of the American River Parkway Plan. The Legislature*  
3 *recognizes that amendments to Area Plans shall be carried out by*  
4 *the board of supervisors in accordance with the public hearing*  
5 *process described in Chapter 11 of the American River Parkway*  
6 *Plan, titled Implementation, and recognizes the roles and*  
7 *responsibilities of public agencies set forth in the public hearing*  
8 *process including coordination with the city councils of the Cities*  
9 *of Sacramento and Rancho Cordova.*

10 ~~SEC. 8.~~

11 *SEC. 7.* Section 5842.5 of the Public Resources Code is  
12 repealed.

13 ~~SEC. 9.~~

14 *SEC. 8.* This act is an urgency statute necessary for the  
15 immediate preservation of the public peace, health, or safety within  
16 the meaning of Article IV of the Constitution and shall go into  
17 immediate effect. The facts constituting the necessity are:

18 In order to receive time-sensitive funds to make timely  
19 improvements to the American River Parkway and the surrounding  
20 areas, it is necessary that the revisions to the American River  
21 Parkway Plan go into effect immediately.